

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

ROLAND BRENEUS,
Debtor.

Chapter 13
Case No. 16-10008-MSH

**STIPULATION REGARDING MOTION FOR RELIEF FROM STAY AND FOR
AUTHORITY TO FORECLOSE MORTGAGE (DOC. NO. 50)**

NOW COMES The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the Holders of CWALT, Inc. Alternative Loan Trust 2005-24, Mortgage Pass-Through Certificates, Series 2005-24 (hereinafter “BONYM”) and Roland Breneus, debtor in the above captioned case (hereinafter “Debtor”), by and through respective counsels, and hereby stipulate and agree as follows:

WHEREAS, the Debtor filed a voluntary Chapter 13 bankruptcy on January 4, 2016.

WHEREAS, BONYM is the current holder of a first priority mortgage covering Debtor’s real property known and numbered as 14 Estella Street, Unit 4, 14 Estella Street Condominium, Mattapan (Boston), Massachusetts 02126, given by Debtor to Mortgage Electronic Registration Systems, Inc. as nominee for American Mortgage Network, Inc., d/b/a American Mortgage Network of MA, a DE Corp., and recorded with the Suffolk County Registry of Deeds at Book 36870, Page 28 (hereinafter “Mortgage”). The Mortgage was assigned to BONYM via Assignment of Mortgage recorded with said Registry of Deeds at Book 47923, Page 156.

WHEREAS, BONYM moved for Relief from the Automatic Stay pursuant to 11 U.S.C. §362(d) on April 15, 2016, based, in part, upon the Debtor’s failure to make post-petition payments to BONYM¹ (hereinafter “Motion for Relief”).

WHEREAS, Debtor is in post-petition arrears to BONYM in the amount of \$3,409.92, which is comprised as follows:

3 monthly payments (03/01/2016-05/01/2016) at \$807.73	\$ 2,423.19
Motion for Relief Legal Fees and Costs	\$ 1,076.00

¹ Shellpoint Mortgage Servicing is the current servicer on behalf of BONYM, and as such, would be the entity accepting payments post-petition.

Less Partial Balance	(\$ 89.27)
Total Post-Petition Arrearage	\$ 3,409.92

WHEREAS, the parties have agreed to a Stipulation.

NOW, upon all pleadings and proceedings heretofore had herein, the parties having stipulated to the following:

1. That commencing June 1, 2016, and on or before the 1st day every month thereafter until November 1, 2016, Debtor shall make regular monthly payments when and as due under the terms of the Note and Mortgage.
2. That commencing June 1, 2016, and on or before the 1st day of each month thereafter, Debtor shall make an "arrearage payment" of \$568.32 over and above the regular monthly payment to Movant, continuing for a period of six (6) consecutive months or until the post- petition arrearage of \$3,409.92 is paid in full from June 1, 2016 to November 1, 2016.

3. IF THE DEBTOR FAILS TO COMPLY WITH PARAGRAPH ONE AND/OR TWO OF THIS STIPULATION, BONYM SHALL FILE AN AFFIDAVIT OF NON-COMPLIANCE AFTER TEN (10) DAYS NOTICE OF DEFAULT TO THE DEBTOR AND THE DEBTOR'S ATTORNEY, BY FIRST CLASS POSTAGE PREPAID MAIL. THE DEBTOR HAS THE RIGHT TO OBJECT TO THE AFFIDAVIT OF NON-COMPLIANCE ONLY ON THE BASIS THAT THE PAYMENTS WERE MADE TIMELY UNDER THE STIPULATION. ALL REASONABLE COSTS ASSOCIATED WITH THE PREPARATION OF THE NOTICE OF DEFAULT AND THE PREPARATION AND FILING OF THE AFFIDAVIT OF NON-COMPLIANCE WILL BE CHARGED TO THE DEBTOR'S ACCOUNT.

4. Upon any future default by the Debtor, after having successfully completed the terms of this Stipulation, BONYM shall be required to file a new motion for relief from automatic stay.

STIPULATE,D AND AGREED TO THIS 23RD DAY OF MAY, 2016.

Respectfully submitted,
The Bank of New York Mellon f/k/a
The Bank of New York, as Trustee for
the Holders of CWALT, Inc. Alternative
Loan Trust 2005-24, Mortgage Pass-Through
Certificates, Series 2005-24

Respectfully submitted,
Roland Breneus

By its Attorney
Guaetta & Benson, LLC

By his Attorney
Marques C. Lipton

/s/ Peter V. Guaetta
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CERTIFICATE OF SERVICE

I, Peter V. Guaetta, Esq., as Attorney for hereby certify that I have this date served copies of the foregoing Stipulation Regarding Motion for Relief from Stay in reference to the above-captioned case, by mailing same first class, postage prepaid (unless otherwise noted), upon the following parties:

Debtor
Roland Breneus
14 Estella Street
Mattapan, MA 02126

Counsel for Debtor
Marques C. Lipton, Esq. (VIA ECF)

Trustee
Carolyn Bankowski, Esq. (VIA ECF)

Assistant U.S. Trustee
John Fitzgerald, Esq. (VIA ECF)

Laura White Brandow, Esq. (VIA ECF)

14 Estella Street Condominium Association
14 Estella Street
Mattapan, MA 02126

The Bank of New York Mellon
c/o BAC, M/C: CA6-914-01-43
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Simi Valley, CA 93063

Bank of America, N.A.
100 North Tryon Street, Suite 170
Charlotte, NC 28202

DATED: May 23, 2016

/s/ Peter V. Guaetta
Peter V. Guaetta, Esq. (BBO # 554786)